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service gains to 49,850 persons under priority (4) of the FM priorities ("other public interest matters"). We also observe that Petitioner's reallocation requests would not deprive either Tell City or Cannelton of its sole local aural transmission outlet. Therefore, in accordance with the provisions of Section 1.420 (i) of the Commission's rules,<sup>5</sup> we will grant Petitioner's reallocation requests. In addition, we shall condition the commencement of service on Channel 275C3, by Station WLME, at Tell City on the commencement of service on Channel 289A, by Station WTCJ-FM, at Cannelton to avoid any disruption of local service to Cannelton.

4. Consistent with the technical requirements of the Commission's rules, Channel 275C3 can be reallocated from Cannelton to Tell City, Indiana, utilizing coordinates of 37-50-52 NL and 86-36-18 WL, with a site restriction of 18.4 kilometers (11.4 miles) southeast of Tell City. Further, Channel 289A, Station WTCJ-FM, can be reallocated from Tell City to Cannelton, Indiana, utilizing coordinates of 37-48-13 NL and 86-48-57 WL, with a site restriction of 13.5 kilometers (8.4 Miles) southeast of Cannelton.

5. The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

6. Accordingly, pursuant to the authority contained in 47 U.S.C. Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) and 47 C.F.R. Sections 0.61, 0.204(b) and 0.283, IT IS ORDERED, That effective June 20, 2005, the FM Table of Allotments, 47 C.F.R. Section 73.202(b), IS AMENDED for the communities listed below, as follows:

<u>Community</u>	<u>Channel Number</u>
Cannelton, Indiana	289A
Tell City, Indiana	275C3

7. IT IS FURTHER ORDERED, that the Petition for Rule Making filed by Hancock Communications, Inc. IS GRANTED.

8. IT IS FURTHER ORDERED, That pursuant to 47 U.S.C. Section 316(a), the license of Hancock Communications, Inc. for FM Station WLME, Cannelton, Indiana, IS MODIFIED to specify operation on Channel 275C3 at Tell City, Indiana, subject to the following conditions:

(a) Within 90 days of the effective date of this *Order*, the permittee shall submit to the Commission a minor change application for a construction permit (Form 301), specifying the new facility;

(b) Upon grant of the construction permit, program tests may not be conducted in accordance with 47 C.F.R. Section 73.1620 until Station WTCJ-FM is operating on Channel 289A at Cannelton; and

(c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to 47 C.F.R. Section 1.1307, unless

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<sup>5</sup> 47 C.F.R. § 1.420(i).

the proposed facilities are categorically excluded from environmental processing.

9. IT IS FURTHER ORDERED, That pursuant to 47 U.S.C. Section 316(a), the license of Hancock Communications, Inc. for Station WTCJ-FM, Tell City, Indiana, IS MODIFIED to specify operation on Channel 289A at Cannelton, Indiana, subject to the following conditions:

(a) Within 90 days of the effective date of this *Order*, the permittee shall submit to the Commission a minor change application for a construction permit (Form 301), specifying the new facility;

(b) Upon grant of the construction permit, program tests may be conducted in accordance with 47 C.F.R. Section 73.1620; and

(c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to 47 C.F.R. Section 1.1307, unless the proposed facilities are categorically excluded from environmental processing.

10. Pursuant to 47 C.F.R. Sections 1.1104(1)(k) and (3)(l), any party seeking a change of community of license of an FM or television allotment or an upgrade of an existing FM allotment, if the request is granted, must submit a rule making fee when filing its application to implement the change in community of license and/or upgrade. As a result of this proceeding, Hancock Communications, Inc., licensee of Stations WLME(FM) and WTCJ-FM, is required to submit a rule making fee in addition to the fee required for the application to effectuate the change in community of license for FM Station WLME, Channel 275C3 from Cannelton, Indiana to Tell City, Indiana, and also for the application to effectuate the change in community of license for Station WTCJ-FM, Channel 289A, from Tell City, Indiana, to Cannelton, Indiana, at the time it submits its Form 301 applications.

11. IT IS FURTHER ORDERED that this proceeding IS TERMINATED.

12. For further information concerning the above, contact R. Barthen Gorman, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

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